

### **REMARKS**

In the April 1, 2008 Office Action, claim 6 was objected to and claims 1 and 3-8 stand rejected in view of prior art. Claim 2 was previously cancelled. No other objections or rejections were made in the Office Action.

### ***Status of Claims and Amendments***

In response to the April 1, 2008 Office Action, Applicant has amended claims 1, 3, 5, 7 and 8 as indicated above. Also, Applicant has cancelled claims 4 and 6. Claim 2 was previously cancelled. Thus, claims 1, 3, 5, 7 and 8 are now pending, with claim 1 being the only independent claim. Reexamination and reconsideration of the pending claims are respectfully requested in view of above amendments and the following comments.

### ***Claim Objections***

In paragraph 1 of the Office Action, claim 6 stands objected to for being improper. In response, Applicant has cancelled claim 6 as suggested in the Office Action. Accordingly, withdrawal of this objection is respectfully requested.

### ***Rejections - 35 U.S.C. § 102***

In paragraph 3 of the Office Action, claims 1 and 3 stand rejected under 35 U.S.C. §102(b) as being anticipated by Japanese Patent Publication No. 06-94256 (Yamashita et al.). In response, Applicant has amended independent claim 1 to more clearly define the present invention over the prior art of record.

In particular, independent claim 1 now requires, *inter alia*, a casing having a front surface, a rear surface, a discharge port and an intake port provided only in the front surface of the front and rear surfaces; a ventilation fan disposed in the casing to rotate about a rotation axis, the ventilation fan being a cross flow fan that is arranged to blow air in a direction perpendicular to the rotation axis out of the discharge port of the casing; and a heat exchanger disposed in the casing of the indoor unit so as to cover the ventilation fan. Independent claim 1 already required the heat exchanger including a first heat exchange unit having an approximate inverted V shape in cross-section, a second heat exchange unit that is connected at an angle with one end of the first heat exchange unit, and a third heat exchange unit that is connected at an angle with another end

of the first heat exchange unit, the second heat exchange unit and the third heat exchange unit respectively extend downward from respective front and rear lower ends of the first heat exchange unit and the second heat exchange unit and the third heat exchange unit have approximately the same length. Clearly, this structure is *not* disclosed or suggested by the Yamashita et al. publication or any other prior art of record.

In particular, in the Yamashita et al. publication, the ventilation fan blows air in a direction parallel to the rotation axis and the heat exchanger is a looped member surrounding the ventilation fan, not a cross flow fan with the heat exchanger disposed in the casing of the indoor unit so as to cover the ventilation fan, as now set forth in independent claim 1. It is well settled under U.S. patent law that for a reference to anticipate a claim, the reference must disclose each and every element of the claim within the reference. Therefore, Applicant respectfully submits that claim 1, as now amended, is not anticipated by the prior art of record. Accordingly, withdrawal of this rejection of independent claim 1 is respectfully requested.

Moreover, Applicant believes that dependent claim 3 is also allowable over the prior art of record in that it depends from independent claim 1, and therefore is allowable for the reasons stated above. Also, dependent claim 3 is further allowable because it includes additional limitations, which in combination with the limitations of independent claim 1, are not disclosed or suggested by the prior art of record. Accordingly, withdrawal of this rejection of dependent claim 3 is respectfully requested.

### ***Rejections - 35 U.S.C. § 103***

In paragraphs 5 and 6 of the Office Action, claims 1, 3 and 4 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,575,326 (Asami et al.) in view of the Yamashita et al. publication; and claims 5-8 stand rejected under 35 U.S.C. §103(a) as being unpatentable over the Asami et al. patent in view of the Yamashita et al. publication and Japanese Patent Publication No. 2001/141256 (Sato). In response, Applicant has amended independent claim 1 as mentioned above.

These rejections are respectfully traversed in view of the amendments to independent claim 1 and the following comments. In particular, Applicant disagrees with the basic assertion (premise) of both of these rejections "that it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the heat exchanger illustrated in Figure 8 of the Yamashita et al. publication in the indoor unit of the Asami et al. patent." First, Figure 8 of the Yamashita et al. publication is a development view, and thus, this Figure does not show

accurately the true shape of the finished parts. In fact, it is unclear from the translation of the Yamashita et al. publication exactly how the parts 50, 55 and 1 shown in Figure 8 could/would be installed in an indoor unit. See paragraph [0041]. Second, the Yamashita et al. publication teaches away from the combination suggested by the Office Action. Specifically, the heat exchanger illustrated in Figure 8 of the Yamashita et al. publication appears designed for the fan 33, which is not a cross flow fan as claimed. Moreover, the Yamashita et al. publication discloses specific differently shaped heat exchangers that are used in conjunction with cross-flow fans, which do not include the features of independent claim 1. Furthermore, the Yamashita et al. publication discloses no advantage or reason to apply the member(s) illustrated in Figure 8 to a cross flow fan. Rather, the heat exchangers for cross flow fans and axially blowing fans are taught to be mutually exclusive to the types of fans used. Thus, the Yamashita et al. publication teaches away from, not toward, combining the structure of Figure 8 into a cross flow fan type indoor unit such as that disclosed in the Asami et al. patent. Since the prior teaches away from the hypothetical combination of the Asami et al. patent and the Yamashita et al. publication, the rejection combining the Sato publication with this hypothetical combination is inherently flawed, i.e., because one of ordinary skill in the art would not combine the Asami et al. patent and the Yamashita et al. publication as suggested in the Office Action. Accordingly, withdrawal of these rejections of claims 1, 3, 5, 7 and 8 are respectfully requested.

#### ***Prior Art Citation***

In the Office Action, additional prior art references were made of record. Applicant believes that these references do not render the claimed invention obvious.

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In view of the foregoing amendment and comments, Applicant respectfully asserts that claims 1 and 3, 5, 7 and 8 are now in condition for allowance. Reexamination and reconsideration of the pending claims are respectfully requested.

Respectfully submitted,

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